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11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 HARRY GINGOLD, MONIQUE GINGOLD,  
14 NAHAL KEDUMM, LLC, their successors and  
15 their assignees, inclusive,

3:19-cv-00532-MMD-CLB

16 Plaintiffs,

17 vs.

18 ITRONICS, INC., its successors and its  
19 assignees; and JOHN W. WHITNEY,  
20 individually,

21 Defendants.  
22 \_\_\_\_\_/

23 **JUDGMENT CREDITORS' MOTION FOR CHARGING ORDERS**

24 Judgment Creditors HARRY GINGOLD, MONIQUE GINGOLD, NAHAL KEDUMM, LLC  
25 (referred to collectively as "Judgment Creditors"), by and through their counsel of record Austin K.  
26 Sweet, Esq., move this Court for a Charging Order in favor of Judgment Creditors and against the  
27 chargeable membership interests of Judgment Debtor ITRONICS, INC., a Nevada corporation  
28 ("Itronics") in (1) Whitney & Whitney, Inc., (2) Itronics Metallurgical, Inc., (3) Nevada  
Hydrometallurgical Project, and (4) American Gold & Silver Limited.

This Motion is made and based upon NRS 78.746, NRS 86.401, NRS 87.4342, NRS 88.535,  
and the following Memorandum of Points and Authorities.

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. STATEMENT OF FACTS**

On February 17, 2022, a *Judgment* was entered, on March 17, 2022, an *Order Granting Motion for Attorney's Fees*, and on March 28, 2022, a *Bill of Costs* was entered by this Court in favor of Judgment Creditors and against Itronics in the aggregate principal amount of \$99,759.06.

On April 12, 2023, Itronics served Judgment Creditors with its *Answer to Judgment Creditors' First Set of Interrogatories to Itronics Inc. in Aid of Execution of Judgment*, a copy of which is attached as Exhibit "1." In its Answer to Interrogatory No. 16, Itronics identified that it owns 100% of the stock in Whitney & Whitney, Inc., a Nevada corporation. *Id.* p. 8. Itronics also identified that it owns 100% of the stock in Itronics Metallurgical, Inc., a Nevada corporation. *Id.* Itronics also identified that it owns a 92.5% partnership interest in Nevada Hydrometallurgical Project, a Nevada general partnership. *Id.* pp. 8-9. Itronics also identified that it owns a 36.577% limited partnership interest in American Gold & Silver Limited, a Nevada limited partnership. *Id.* p. 9.

No payments have been made in satisfaction of this judgment as of this filing. As of March 29, 2023, the total outstanding balance was \$108,915.05 [ECF No. 75].

**II. ARGUMENT**

In Nevada, a Charging Order is a remedy by which a judgment creditor may satisfy a judgment out of stockholder's interest in a closely held corporation [NRS 78.746], a membership interest in a limited liability company [NRS 86.401], a partnership interest in a general partnership [NRS 87.4342], and a limited partnership interest in a limited partnership [NRS 88.535]. The applicable statutes each provide that a charging order may be entered to charge the ownership interest of a judgment debtor in a fictional business entity.

The Charging Order is a remedy by which a judgment creditor of a member can seek satisfaction by petitioning a court to charge the member's interest with the amount of the judgment. *Weddell v. H2O, Inc.*, 128 Nev. Adv. Op. No. 9, 271 P.3d 743, 749 (2012). After entry of the Charging Order, the judgment debtor limited liability member no longer has the right to future LLC distributions. *Weddell* at 750. The Charging Order directs a limited liability company to make distributions to the creditor that it would have made to the member. *Id.*

In this case, Judgment Debtor Itronics has informed Judgment Creditors that it owns interests in (1) Whitney & Whitney, Inc., (2) Itronics Metallurgical, Inc., (3) Nevada Hydrometallurgical Project, and (4) American Gold & Silver Limited, each of which Judgment Creditors understand to be operating businesses. Charging Orders are appropriate to assist Judgment Creditors in satisfying the Judgment out of Itronics' interest and financial rights in each of these entities. Judgment Creditors are entitled to a Charging Order against Itronics' ownership interests in interests in (1) Whitney & Whitney, Inc., (2) Itronics Metallurgical, Inc., (3) Nevada Hydrometallurgical Project, and (4) American Gold & Silver Limited.

### III. CONCLUSION

For these reasons, Judgment Creditors HARRY GINGOLD, MONIQUE GINGOLD, NAHAL KEDUMM, LLC requests that this Court issue Charging Orders in their favor and against the chargeable interests of the Judgment Debtor ITRONICS, INC. (1) Whitney & Whitney, Inc., (2) Itronics Metallurgical, Inc., (3) Nevada Hydrometallurgical Project, and (4) American Gold & Silver Limited.

DATED this 2 day of May, 2023.

GUNDERSON LAW FIRM



Austin K. Sweet, Esq.  
Nevada State Bar No. 11725  
*Attorney for Harry Gingold, Monique Gingold,  
and Nahal Kedumm*

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of the law office of GUNDERSON LAW FIRM, and on the 2 day of May, 2023 I deposited for mailing in Reno, Nevada a true and correct copy of the **JUDGMENT CREDITOR'S MOTION FOR CHARGING ORDER** to the following:

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Kelly Gunderson

**EXHIBIT LIST**

<b>Exhibit #</b>	<b>Description</b>	<b>Pages</b>
Exhibit "1"	Answer to Judgment Creditors' First Set of Interrogatories to Itronics Inc. in Aid of Execution of Judgment	14